DOCKET NO. 86604/7114

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.:	10/820,832
Applicants:	Endler et al.
Filed:	April 7, 2004
Title:	METHODS AND APPARATUSES FOR DISPLAYING PROMOTIONS
Examiner:	TARAE, Catherine M.
Art Unit:	3688
Customer No.:	22242
Confirm. No.:	8497

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5/10/2010
Date

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APPEAL BRIEF

Mail Stop: APPEAL BRIEF - PATENT
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Appellants submit this appeal brief under 37 C.F.R. § 41.37 appealing the final rejection of Claims 1-5 and 7-30 in the Office Action mailed December 7, 2009 and Advisory Action mailed February 19, 2010.

(1) Real Parties in Interest

The real parties in interest are Sony Corporation and Sony Electronics Inc.

(2) Related Appeals and Interferences

No related appeals or interferences are known to Appellants.

(3) Status of Claims

Claims 1-29 were submitted for examination in the application filed on January 3, 2006.

Claims 1-5 and 7-29 were amended during prosecution.

Claim 6 was canceled during prosecution.

Claim 30 was added during prosecution.

Claims 1-5 and 7-30 were finally rejected in the December 7, 2009 final office action[1].

Claims 1-5 and 7-30 are appealed.

1 Hereinafter referred to as "Office Action"

(4) Status of Amendments

No amendments have been filed subsequent to the final rejection mailed December 7, 2009.

(5) Summary of Claimed Subject Matter

Independent Claims Subject Matter Map

A concise explanation of this subject matter appears as follows (with corresponding references to the specification[2] by page and line number (or paragraph numbering where appropriate) and to the drawing(s) (if any) by figure number and reference characters.[3]

Claim 1

detecting a device capable of receiving and transmitting an electronic message	page 15, lines 13-21; page 20, lines 7-9; FIG. 6, 610, FIG. 7
searching for a plurality of promotions stored in a storage module	page 17, lines 1-5; FIG. 6, 640
receiving a signal from the detected device and detecting a device profile corresponding to the device using information contained in the signal wherein the device profile contains a preference for a product or a service and a geographical boundary	page 4, lines 21-23; FIG. 4
selecting a particular promotion from the plurality of promotions based on the preference for the product or the service and the geographical boundary associated with the device profile	page 4, lines 21-23; page 18, line 1-page 19, line 19; FIG. 6, 650, 660, 670

Claim 16

detecting a device capable of receiving and transmitting an electronic message	page 15, lines 13-21; page 20, lines 7-9; FIG. 6, 610
searching for a plurality of promotions stored in a storage module	page 17, lines 1-5; FIG. 6, 640
receiving a signal and detecting a device profile corresponding to the device using information contained in the signal wherein the device profile contains a preference for a product or a service and a geographical boundary	page 4, lines 21-23; FIG. 4
selecting a particular promotion from the plurality of promotions based on the preference for the product or the service and the geographical boundary associated with the device profile	page 4, lines 21-23; page 18, line 1-page 19, line 19; FIG. 6, 650,

2 Application as Filed.

3 It will be understood that this summarization of the Claimed subject matter is, in fact, a "summary" and that Applicant does not represent or intend that this brief presentation, or the accompanying references to the drawings and the specification, comprises an exhaustive presentation in this regard. As always, the Claims are to be viewed and interpreted in view of the context of the entire specification and the Abstract.

	660, 670

Claim 17

detecting a plurality of devices capable of receiving and transmitting an electronic message	page 15, lines 13-21; FIG. 7, 710
detecting a jointly scheduled meeting stored on at least one of the plurality of devices, wherein the scheduled meeting is among participants including at least one participant associated with the at least one of the plurality of devices	page 15, line 13-page 16, line 6; FIG. 7, 720
receiving a location parameter from the at least one of the plurality of devices for the scheduled meeting	page 15, lines 8-17
searching for a plurality of promotions stored in a storage module	page 17, lines 1-5; FIG. 7, 730
selecting a particular promotion from the plurality of promotions based on the location parameter	page 5, lines 3-5; page 18, line 1-page 20, line 4; FIG. 6; FIG. 7, 740

Claim 23

detecting a device associated with a user	page 15, lines 13-21; page 20, lines 7-9
storing a device record containing user information associated with the user and a promotion record containing promotion information associated with a promotion	page 9, line 21-page 10, line 2
receiving a signal from the device containing information and retrieving the user profile information using the information	page 20, lines 12-16; FIG. 4
selecting a particular promotion based on the user information that includes a preference for a product or a service and a geographical boundary associated with the device, and the promotion information	page 17, lines 1-5; page 18, line 1-page 19, line 9; page 20, lines 17-23

Claim 29

detecting a plurality of devices capable of receiving and transmitting an electronic message	page 15, lines 13-21; FIG. 7, 710
detecting a jointly scheduled meeting stored on at least one of the plurality of devices, wherein the scheduled meeting is among participants including at least one participant associated with the at least one of the plurality of devices	page 15, line 13-page 16, line 6; FIG. 7, 720
receiving a location parameter from the at least one of the plurality of devices for the scheduled meeting	page 15, lines 8-17

searching for a plurality of promotions stored in a storage module	page 17, lines 1-5; FIG. 7, 730
selecting a particular promotion from the plurality of promotions based on the location parameter	page 5, line 3-5; page 18, line 1-page 19, line 9; FIG. 7, 740

The claimed embodiments are directed to methods and apparatuses for selecting a particular promotion from a plurality of promotions based on location of a user and/or parameters associated with a user profile. FIGS. 3, 6 and 7 from the application appears below for the convenience of the reader showing an exemplary process and apparatus for selecting a promotion according to some embodiments:

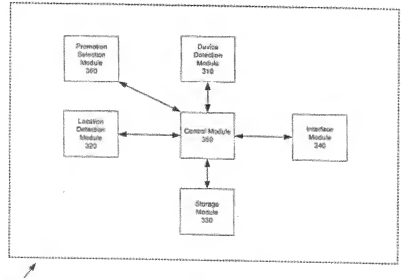

FIG. 3

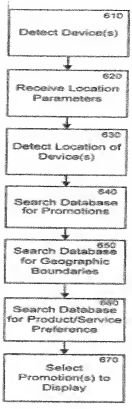

FIG. 6

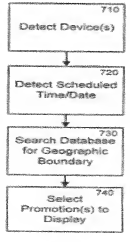

FIG. 7

More specifically, some embodiments provide a method for detecting a device and a profile corresponding to the device wherein the profile contains a parameter, searching for a plurality of promotions and selecting a particular promotion from the plurality of promotions

based on the parameter associated with the profile. The method in some embodiments comprises a step of receiving a signal from the detected device and detecting the device profile corresponding to the device using information contained in the signal. In one embodiment the parameter may include one or more of a preference for a product, preference for a service and/or a geographic boundary. In one embodiment the method provides for selecting the particular promotion from the plurality of promotions based on one or more of the preference for the product or the service and the geographical boundary associated with the device profile. In one embodiment the method may further comprise detecting a location of the device using the global positioning system. In one such embodiment the geographic boundary may be relative to the current location of the device. In such embodiments, the selecting the particular promotions may be additionally and/or alternatively based on the valid hours of availability. In one embodiment, each of the plurality of promotions may include an electronic coupon.

In one or more embodiments the method may further detect a profile for each of the plurality of promotions. According to one such embodiment, the profile for each of the plurality of promotions may include location information and/or a description of offerings; it may additionally or alternatively include days and times of validity for each of the plurality of promotions. According to several embodiments, selecting the particular promotion may be based on the profile for each of the plurality of promotions. In one embodiment, the method further comprises displaying the particular promotion on the device. According to one or more embodiments, the displayed promotion may comprise one or more of a location field, a type of product or service field, an hours of availability field and/or contact information field. In one additional embodiment, the method may further comprise a step of highlighting the particular promotion prior to an expiration of the particular promotion. In one or more of the embodiments described above the device may be associated with a particular user or with multiple users. In such embodiments where the device may have attributes including one or more of a device attribute, a user identity attribute, a geographic boundary attribute, and a product or service attribute.

Additional embodiments provide for a computer readable storage medium having computer executable instructions for performing the steps of detecting a device capable of

receiving and transmitting an electronic message[4], receiving a signal and detecting a device profile corresponding to the device using information contained in the signal, searching for a plurality of promotions in a storage module, and selecting a particular promotion from the plurality of promotions based on the preference for the product or the service and the geographical boundary associated with the device profile[5]. In one embodiment the device profile contains the preference for the product or service and the geographical boundary.

Further embodiments may provide a method for detecting a plurality of devices capable of receiving and transmitting an electronic message[6], detecting a jointly scheduled meeting stored on a t least one of the plurality of devices, receiving a location parameter from the at least one of the plurality of devices for the scheduled meeting, searching for a plurality of promotions stored in a storage module[7] and selecting a particular promotion from the plurality of promotions based on the location parameter[8]. In one embodiment, the scheduled meeting may be among participants including at least one participant associated with the at least one of the plurality of devices. In one embodiment, selecting the particular promotion may be further based on the time of the scheduled meeting. In one embodiment, the method may further comprise detecting a current location for each of the plurality of devices.

In some embodiments selecting the promotion may comprise matching the location parameter with the particular promotion such that the particular promotion is utilized at a location associated with the schedule meeting. Additionally or alternatively selecting the promotion may further comprise matching the location parameter with the particular promotion such that the particular promotion is utilized at a computing location. In yet another embodiment selecting the particular promotion may comprise matching the location parameter with the particular promotion such that the particular promotion is utilized at a location unrelated to a location associated with the scheduled meeting. In another embodiment selecting the particular promotion may further comprise matching the location parameter with the particular promotion,

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4 Page 15, lines 13-21; page 20, lines 7-9; FIG. 6, 610, FIG. 7
5 page 4, lines 21-23; page 18, line 1-page 19, line 19; FIG. 6, 650, 660, 670
6 Page 15, lines 13-21; FIG. 7, 710
7 Page 17, likes 1-5; FIG. 6, 640
8 Page 5, line 3-5; page 18, line 1-page 19, line 9; FIG. 7, 740

the particular promotion being utilized at a competing location. In some embodiments, selecting the particular promotion may further comprise matching the location parameter with the particular promotion such that the particular promotion is utilized at a location unrelated to a location associated with the scheduled meeting.

In yet another embodiment a computer readable medium having computer executable instructions is provided for detecting a device associated with a user[9], storing a device record containing user information associated with the user and a promotion record containing promotion information associated with a promotion[10], receiving a signal form the device containing information and retrieving the user profile information using the information and selecting a particular promotion based on the user information that includes a preference for product or service and a geographical boundary associated with the device and the promotion information. According to one or more embodiments, the promotion information includes a time and date validity and/or location information.

In some embodiments, the geographical boundary may be relative to the current location of the device, wherein in some embodiments the location of the device is determined using a global positioning system. In one embodiment, the particular promotion includes an electronic coupon.

Some embodiments further provide a computer readable medium having computer executable instructions for detecting a plurality of devices capable of receiving and transmitting an electronic message[11], detecting a jointly schedule meeting stored on at least one of the plurality of devices, receiving a location parameter form the at least one of the plurality of devices for the scheduled meeting, searching for a plurality of promotions stored in a storage module[12], and selecting a particular promotion from the plurality of promotions based on the location parameter[13]. In one embodiment the scheduled meeting may be among participants including at least one participant associated with the at least one of the plurality of devices. In

9 Page 15, lines 13-21; page 20, lines 7-9
10 Page 9, line 21-page 10, line 2
11 Page 15, lines 13-21; FIG. 7, 710
12 Page 17, lines 1-5; FIG. 6, 640
13 Page 5, line 3-5; page 18, line 1-page 19, line 9; FIG. 7, 740

one such embodiment, the scheduled meeting may be scheduled using the portable device's calendar function.

(6) Grounds of Rejection to be Reviewed

The following issues are presented for review:

Issue 1: whether Claims 1-5, 7-16 and 23-28 are patentable under 35 U.S.C. § 102(e) in view of U.S. Patent No. 7,343,317 to Jokinen ("Jokinen").

Issue 2: whether Claims 17-22 and 29-30 are patentable under 35 U.S.C. 102(a, e) in view of U.S. Patent Application Pub. No. 2003/0195833 to Baranowski et al ("Baranowski").

(7) Argument

The following arguments are presented to contest the grounds for rejection presented above.

Issue 1: Claims 1-5, 7-16 and 23-28 are patentable in view of Jokinen

Claims 1-5, 7-16 and 23-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Jokinen. Applicants respectfully traverse these rejections and submit that Jokinen fails to describe or suggest each limitation as recited in Claims 1-5, 7-16, and 23-28.

Claim 1

Claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Jokinen. Applicants respectfully traverse this rejection and submit that Jokinen fails to describe or suggest each limitation as recited in at least claim 1.

More specifically, claim 1 recites:

> detecting a device capable of receiving and transmitting an electronic message;
> searching for a plurality of promotions stored in a storage module;
> receiving a signal from the detected device and detecting a device profile corresponding to the device using information contained in the signal wherein the device profile contains a preference for a product or a service and a geographical boundary; and
> selecting a particular promotion from the plurality of promotions based on the preference for the product or the service and the geographical boundary associated with the device profile.

Jokinen fails to describe or suggest each limitation as recited in claim 1. For example, Jokinen fails to describe, "receiving a signal from the detected device and detecting a device profile corresponding to the device using the information contained in the signal."

In the Final Office Action mailed December 7, 2009 ("Office Action"), the Examiner in suggesting that Jokinen describes "receiving a signal from the detected device", cites to col. 5, lines 22-32 stating "there are several ways in which the mobile devices are tracked through the mobile network including using GPS, a cell identification system, and/or a system that can identify coordinates of the mobile device using location information of a short range network

node. In all of these instances, a signal providing some identification information (in addition to location) of the mobile device must be sent from the mobile device," (Office Action, pg. 4). The Examiner then goes on to state that "the signal from the device is then used to determine the profile of the mobile device" (Office Action, pg. 5). Applicants respectfully disagree with this statement and accordingly presented arguments in response to the Office Action stating that Jokinen fails to describe or suggest what is asserted by the examiner.

More specifically, Applicants argued that even assuming that "a signal providing some identification information (in addition to location) of the mobile device must be sent from the mobile device," as asserted by the Examiner, there is no discussion in Jokinen of detecting a device profile corresponding to the device using the information contained in this signal. Instead, Jokinen discloses a method of sending advertisements where the Jokinen advertisement server 40 checks the database 45 to determine a number of available devices, then the server 40 looks at the profile of the available devices in a database 36 and "determines the potential customers who should receive a particular advertising message based on the profiles." (See Jokinen, col. 6, ln. 32-col. 7, ln. 2 and FIG. 3A).

Therefore, Jokinen fails to disclose detecting a device profile using the information contained in the signal. Instead, Jokinen determines the available devices for which advertisements can be provided by checking all of the devices within database 45 (see Jokinen, col. 6, lns. 50-65). The device profile is retrieved from the database 45 independent of any communication from the device, and the device is contacted based on the determination by the advertisement server 40 that the device is available (see Jokinen, col. 6, lns. 50-65).

In response to the above arguments, in the Advisory Action mailed February 19, 2010, the Examiner disagrees with the Applicants, and in response provides the below description of what is disclosed by Jokinen:

> "The system of Jokinen discusses several ways in which the mobile devices are tracked through the mobile network ... these examples and citations in Jokinen teach 'receiving a signal from the detected device.' Then, using the received signal, the location of the mobile device (detected from the received signal) is stored in a database, where it is stored with the corresponding mobile device/user profile (col. 5, lines 40-43, 53-63). ... The information contained in the signal (e.g. location and identification of mobile devices) is used to detect (e.g., lookup in the profile database) the mobile/device user

profile corresponding to the location/identification information received from the signal." (Advisory Action, pg. 3).

Applicants initially disagree with the Examiner's contention and submit that Jokinen fails to describe what is alleged by the Examiner. That is, Jokinen describes that information regarding mobile terminal users registered with the system is stored in databases 35, 36. "A mobile user's location database 35 stores information regarding the location of mobile terminal users." This location is ascertained in different manners cited to by the Examiner (see Jokinen, col. 5, lines 14-38). However, contrary to what is asserted by the Examiner, the location of the mobile device is stored in a location database 35 for later retrieval and is not used to "detect (e.g. lookup in the profile database) the mobile/device user profile corresponding to the location/identification information received from the signal" as stated by the Examiner. In fact, the user profile database 36 is a database that is separate and distinct from the location database 35 in which the location of the device is stored (see Jokinen, col. 5, lines 39-63). Each of the location database 35 and profile database 36 serve a distinct purpose (see Jokinen, col. 5).

Furthermore, as argued previously, claim 1 specifically recites:

> "receiving a signal from the detected device and detecting a device profile corresponding to the device using information contained in the signal wherein the device profile contains a preference for a product or a service and a geographical boundary ... selecting a particular promotion from the plurality of promotions based on the preference for the product or the service and the geographical boundary associated with the device profile."

Jokinen discloses that "server 40 determines the potential customers who should receive a particular advertising message based on the profiles of the mobile terminal users that are maintained in mobile user profiles database 36". That is, the user profiles chosen for advertisement distribution are not based on the signals received from the devices cited by the Examiner, or any other signal. Instead, at best, the only signals sent from the device are signals that indicate a location that is stored in a location database 35 that is distinct from the user profiles database 36. Further, the location signals are not used for retrieving the profiles and are instead only stored for later review (see Jokinen, col. 5, lines 15-37).

According to the reasons above Applicants respectfully submit that Jokinen does not disclose, "receiving a signal from the detected device and detecting a device profile corresponding to the device using the information contained in the signal," as recited in at least claim 1, and therefore, claim 1 is not anticipated by Jokinen. As such, Applicants respectfully request that the rejection to claim 1 be withdrawn.

Claim 16

Claim 16 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Jokinen. Applicants respectfully traverse this rejection and submit that Jokinen fails to describe or suggest each limitation as recited in claim 16.

More specifically, claim 16 recites:

> detecting a device capable of receiving and transmitting an electronic message;
> searching for a plurality of promotions stored in a storage module;
> receiving a signal from the detected device and detecting a device profile corresponding to the device using information contained in the signal wherein the device profile contains a preference for a product or a service and a geographical boundary; and
> selecting a particular promotion from the plurality of promotions based on the preference for the product or the service and the geographical boundary associated with the device profile.

Jokinen fails to describe or suggest, "receiving a signal from the detected device and detecting a device profile corresponding to the device using the information contained in the signal."

In the Final Office Action mailed December 7, 2009 ("Office Action"), the Examiner in suggesting that Jokinen describes "receiving a signal from the detected device", cites to col. 5, lines 22-32 stating "there are several ways in which the mobile devices are tracked through the mobile network including using GPS, a cell identification system, and/or a system that can identify coordinates of the mobile device using location information of a short range network node. In all of these instances, a signal providing some identification information (in addition to location) of the mobile device must be sent from the mobile device," (Office Action, pg. 4). The Examiner then goes on to state that "the signal from the device is then used to determine the profile of the mobile device" (Office Action, pg. 5). Applicants respectfully disagree with this

statement and accordingly presented arguments in response to the Office Action stating that Jokinen fails to describe or suggest what is asserted by the examiner.

More specifically, Applicants argued that even assuming that "a signal providing some identification information (in addition to location) of the mobile device must be sent from the mobile device," as asserted by the Examiner, there is no discussion in Jokinen of detecting a device profile corresponding to the device using the information contained in this signal. Instead, Jokinen discloses a method of sending advertisements where the Jokinen advertisement server 40 checks the database 45 to determine a number of available devices, then the server 40 looks at the profile of the available devices in a database 36 and "determines the potential customers who should receive a particular advertising message based on the profiles." (See Jokinen, col. 6, ln. 32-col. 7, ln. 2 and FIG. 3A).

Therefore, Jokinen fails to disclose detecting a device profile using the information contained in the signal. Instead, Jokinen determines the available devices for which advertisements can be provided by checking all of the devices within database 45 (see Jokinen, col. 6, lns. 50-65). The device profile is retrieved from the database 45 independent of any communication from the device, and the device is contacted based on the determination by the advertisement server 40 that the device is available (see Jokinen, col. 6, lns. 50-65).

In response to the above arguments, in the Advisory Action mailed February 19, 2010, the Examiner disagrees with the Applicants, and in response provides the below description of what is disclosed by Jokinen:

> "The system of Jokinen discusses several ways in which the mobile devices are tracked through the mobile network … these examples and citations in Jokinen teach 'receiving a signal from the detected device.' Then, using the received signal, the location of the mobile device (detected from the received signal) is stored in a database, where it is stored with the corresponding mobile device/user profile (col. 5, lines 40-43, 53-63). … The information contained in the signal (e.g. location and identification of mobile devices) is used to detect (e.g., lookup in the profile database) the mobile/device user profile corresponding to the location/identification information received from the signal." (Advisory Action, pg. 3).

Applicants initially disagree with the Examiner's contention and submit that Jokinen fails to describe what is alleged by the Examiner. That is, Jokinen describes that information

regarding mobile terminal users registered with the system is stored in databases 35, 36. "A mobile user's location database 35 stores information regarding the location of mobile terminal users." This location is ascertained in different manners cited to by the Examiner (see Jokinen, col. 5, lines 14-38). However, contrary to what is asserted by the Examiner, the location of the mobile device is stored in a location database 35 for later retrieval and is not used to "detect (e.g. lookup in the profile database) the mobile/device user profile corresponding to the location/identification information received from the signal" as stated by the Examiner. In fact, the user profile database 36 is a database that is separate and distinct from the location database 35 in which the location of the device is stored (see Jokinen, col. 5, lines 39-63). Each of the location database 35 and profile database 36 serve a distinct purpose (see Jokinen, col. 5).

Furthermore, as argued previously, claim 16 specifically recites:

> "receiving a signal from the detected device and detecting a device profile corresponding to the device using information contained in the signal wherein the device profile contains a preference for a product or a service and a geographical boundary ... selecting a particular promotion from the plurality of promotions based on the preference for the product or the service and the geographical boundary associated with the device profile."

Jokinen discloses that "server 40 determines the potential customers who should receive a particular advertising message based on the profiles of the mobile terminal users that are maintained in mobile user profiles database 36". That is, the user profiles chosen for advertisement distribution are not based on the signals received from the devices cited by the Examiner, or any other signal. Instead, at best, the only signals sent from the device are signals that indicate a location that is stored in a location database 35 that is distinct from the user profiles database 36. Further, the location signals are not used for retrieving the profiles and are instead only stored for later review (see Jokinen, col. 5, lines 15-37).

According to the reasons above Applicants respectfully submit that Jokinen does not disclose, "receiving a signal from the detected device and detecting a device profile corresponding to the device using the information contained in the signal," as recited in at least claim 16, and therefore, claim 16 is not anticipated by Jokinen. As such, Applicants respectfully request that the rejection to claim 16 be withdrawn.

Claim 23

Claim 23 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Jokinen. Applicants respectfully traverse this rejection and submit that Jokinen fails to describe or suggest each limitation as recited in claim 23.

More specifically, claim 23 recites:

> detecting a device associated with a user;
> storing a device record containing user information associated with the user and a promotion record containing promotion information associated with a promotion;
> receiving a signal from the device containing information and retrieving the user profile information using the information; and
> selecting a particular promotion based on the user information that includes a preference for a product or a service and a geographical boundary associated with the device, and the promotion information.

Jokinen fails to describe or suggest, "receiving a signal from the device containing information and retrieving the user profile information using the information."

In the Final Office Action mailed December 7, 2009 ("Office Action"), the Examiner in suggesting that Jokinen describes "receiving a signal from the device containing information", cites to col. 5, lines 22-32 stating "there are several ways in which the mobile devices are tracked through the mobile network including using GPS, a cell identification system, and/or a system that can identify coordinates of the mobile device using location information of a short range network node. In all of these instances, a signal providing some identification information (in addition to location) of the mobile device must be sent from the mobile device," (Office Action, pg. 4). The Examiner then goes on to state that Jokinen further discloses "retrieving the user profile information using the information" citing to item 96 in Figure 3A, col. 5, lines 41-61, stating that "the signals from the mobile device is then used to determined the profile of the mobile device (Office Action, pg. 5). Applicants respectfully disagree with this the Examiner's contentions and accordingly presented arguments in response to the Office Action stating that Jokinen fails to describe or suggest what is asserted by the examiner.

More specifically, Applicants argued that even assuming that "a signal providing some identification information (in addition to location) of the mobile device must be sent from the

mobile device," as asserted by the Examiner, there is no discussion in Jokinen of detecting a device profile corresponding to the device using the information contained in this signal. Instead, Jokinen discloses a method of sending advertisements where the Jokinen advertisement server 40 checks the database 45 to determine a number of available devices, then the server 40 looks at the profile of the available devices in a database 36 and "determines the potential customers who should receive a particular advertising message based on the profiles." (See Jokinen, col. 6, ln. 32-col. 7, ln. 2 and FIG. 3A).

Therefore, Jokinen fails to disclose detecting a device profile using the information contained in the signal. Instead, Jokinen determines the available devices for which advertisements can be provided by checking all of the devices within database 45 (see Jokinen, col. 6, lns. 50-65). The device profile is retrieved from the database 45 independent of any communication from the device, and the device is contacted based on the determination by the advertisement server 40 that the device is available (see Jokinen, col. 6, lns. 50-65).

In response to the above arguments, in the Advisory Action mailed February 19, 2010, the Examiner disagrees with the Applicants, and in response provides the below description of what is disclosed by Jokinen:

> "The system of Jokinen discusses several ways in which the mobile devices are tracked through the mobile network … these examples and citations in Jokinen teach 'receiving a signal from the detected device.' Then, using the received signal, the location of the mobile device (detected from the received signal) is stored in a database, where it is stored with the corresponding mobile device/user profile (col. 5, lines 40-43, 53-63). … The information contained in the signal (e.g. location and identification of mobile devices) is used to detect (e.g., lookup in the profile database) the mobile/device user profile corresponding to the location/identification information received from the signal." (Advisory Action, pg. 3).

Applicants initially disagree with the Examiner's contention and submit that Jokinen fails to describe what is alleged by the Examiner. That is, Jokinen describes that information regarding mobile terminal users registered with the system is stored in databases 35, 36. "A mobile user's location database 35 stores information regarding the location of mobile terminal users." This location is ascertained in different manners cited to by the Examiner (see Jokinen, col. 5, lines 14-38). Contrary to what is asserted by the Examiner, the location of the mobile

device is stored in a location database 35 for later retrieval and is not used to "detect (e.g. lookup in the profile database) the mobile/device user profile corresponding to the location/identification information received from the signal" as stated by the Examiner. The user profile database 36 is a database that is separate and distinct from the location database 35 in which the location of the device is stored (see Jokinen, col. 5, lines 39-63). In fact, it appears that each of the location database 35 and profile database 36 serve a distinct purpose (see Jokinen, col. 5).

Furthermore, as argued previously, claim 23 specifically recites:

> "receiving a signal from the device containing information and retrieving the user profile information using the information ... selecting a particular promotion based on the user information that includes a preference for a product or a service and a geographical boundary associated with the device, and the promotion information."

Jokinen discloses that "server 40 determines the potential customers who should receive a particular advertising message based on the profiles of the mobile terminal users that are maintained in mobile user profiles database 36". That is, the user profiles chosen for advertisement distribution are not based on the signals received from the devices cited by the Examiner, or any other signal. Instead, at best, the only signals sent from the device are signals that indicate a location that is stored in a location database 35 that is distinct from the user profiles database 36. Further, the location signals are not used for retrieving the profiles and are instead only stored for later review (see Jokinen, col. 5, lines 15-37).

According to the reasons above Applicants respectfully submit that Jokinen does not disclose, "receiving a signal from the device containing information and retrieving the user profile information using the information," as recited in at least claim 23, and therefore, claim 23 is not anticipated by Jokinen. As such, Applicants respectfully request that the rejection to claim 23 be withdrawn.

Claims 4-5, 7-15, 24-28

Claims 4-5, 7-15 and 24-28 are dependant claims that depend upon independent Claims 1 and 23. Although other significant points of distinction may be found therein, again,

for the purposes of this appeal the Appellants are content to rely only upon the points raised above with respect to Claims 1 and 23.

Issue 2: Claims 17-22 and 29-30 are patentable in view of Baranowski.

Claims 17-22 and 29-30 stand rejected under 35 U.S.C. 102(a, e) as being unpatentable over Baranowski. Applicants respectfully traverse these rejections and submit that Baranowski fails to describe or suggest each limitation as recited in independent Claims 17-22 and 29-30.

Claim 17

Claim 17 is rejected under 35 U.S.C. 102(a, e) as being unpatentable over Baranowski. Applicants respectfully traverse this rejection and submit that Jokinen fails to describe or suggest each limitation as recited in claim 17.

Claim 17 recites, in part:

> detecting a plurality of devices capable of receiving and transmitting an electronic message;
>
> detecting a jointly scheduled meeting stored on at least one of the plurality of devices, wherein the scheduled meeting is among participants including at least one participant associated with the at least one of the plurality of devices;
>
> receiving a location parameter from the at least one of the plurality of devices for the scheduled meeting;
>
> searching for a plurality of promotions stored in a storage module; and
>
> selecting a particular promotion from the plurality of promotions based on the location parameter.

Baranowski fails to describe or suggest receiving a location parameter from the at least one of the plurality of devices for the scheduled meeting.

In the final Office Action mailed December 7, 2010, the Examiner asserted that Baranowski describes receiving a location parameter from the at least one of the plurality of devices for the scheduled meeting. Applicants respectfully disagree with the Examiner and presented arguments stating the Baranowski fails to describe or suggest at least detecting a jointly scheduled meeting stored on at least one of the plurality of devices, and receiving a location

parameter from the at least one of the plurality of devices for the scheduled meeting. These arguments are summarized herein and further incorporated by reference.

The Examiner, equates the jointly scheduled meeting of claim 17 with the scheduled meetings among participants of the tradeshow (Office Action, pg. 9). Next, in asserting that Baranowski describes "receiving a location parameter from the at least one of the plurality of devices for the scheduled meeting," the Examiner cites to paragraph 52 of Baranowski stating, "Time and location for the scheduled meeting/event may be managed by the attendee via the portable device" (OA, pg. 9). The cited portion of Baranowski describes that once the system creates a schedule, it is transmitted to the controller which "can send the time and location of the next event on each attendee's schedule to the portable device (100) used by that attendee." Baranowski fails to disclose that the location data is sent from the device and instead describes sending the information to the device (para. 52).

Paragraph 12 cited by the Examiner as describing selecting a particular promotion as recited in claim 17 describes displaying advertisements to attendees according to their schedules and locations by the system (see Baranowski, para. 12 and Office Action, pg. 10). The time and schedule, as described in paragraph 52, is determined by the system before being sent to the device. Therefore, Baranowski does not disclose receiving the position information from a device and instead only describes sending data to the device.

In response to the above arguments, in the Advisory Action, the Examiner states: "Applicant argues that Baranowski does not teach 'receiving a location parameter from the at least one of the plurality of devices for the schedule meeting'". The Examiner disagrees, citing to paragraph 50, "which teaches other embodiments for determining the location of the portable device such as using GPS" (Advisory Action, page 3). Applicants submit that the cited portion discusses ascertaining the location of the portable device 100, and does not relate to the location for the "event" equated with the jointly scheduled meeting. Instead, the "next event" is created using the webhost 130 and transmitted to the controller 120. "The controller (120) can send the time and location of the "event" on each attendee's schedule to the portable device (100) used by the attendee" (Baranowski, para. 51 and 52). As such, the location of the next event, equated with the jointly scheduled meeting, is determined by the webhost 130 and then transmitted to the

portable device. The cited paragraph 150 does not discuss the location of an event, and instead only discusses determining a location of the portable device 100. As such, it is clear that the Examiner's reasons for disagreeing with Applicants' arguments presented in response to the Office Action are in error.

As such, Baranowski fails to describe all of the limitations of claim 17, and therefore claim 17 is not anticipated by the Baranowski references. Accordingly, Applicants respectfully request that the rejection of claim 17 be withdrawn.

Claim 29

Claim 29 is rejected under 35 U.S.C. 102(a, e) as being unpatentable over Baranowski. Applicants respectfully traverse this rejection and submit that Jokinen fails to describe or suggest each limitation as recited in claim 29.

Claim 29 recites, in part:

> detecting a plurality of devices capable of receiving and transmitting an electronic message;
>
> detecting a jointly scheduled meeting stored on at least one of the plurality of devices, wherein the scheduled meeting is among participants including at least one participant associated with the at least one of the plurality of devices;
>
> receiving a location parameter from the at least one of the plurality of devices for the scheduled meeting;
>
> searching for a plurality of promotions stored in a storage module; and
>
> selecting a particular promotion from the plurality of promotions based on the location parameter.

Baranowski fails to describe or suggest receiving a location parameter from the at least one of the plurality of devices for the scheduled meeting.

In the final Office Action mailed December 7, 2010, the Examiner asserted that Baranowski describes receiving a location parameter from the at least one of the plurality of devices for the scheduled meeting.

Applicants respectfully disagree with the Examiner and presented arguments stating the Baranowski fails to describe or suggest at least detecting a jointly scheduled meeting stored on at least one of the plurality of devices, and receiving a location parameter from the at least one of

the plurality of devices for the scheduled meeting. These arguments are summarized herein and incorporated herein by reference.

The Examiner, equates the jointly scheduled meeting of claim 29 with the scheduled meetings among participants of the tradeshow (Office Action, pg. 9). Next, in asserting that Baranowski describes "receiving a location parameter from the at least one of the plurality of devices for the scheduled meeting," the Examiner cites to paragraph 52 of Baranowski stating, "Time and location for the scheduled meeting/event may be managed by the attendee via the portable device" (OA, pg. 9). The cited portion of Baranowski describes that once the system creates a schedule, it is transmitted to the controller which "can send the time and location of the next event on each attendee's schedule to the portable device (100) used by that attendee." Baranowski fails to disclose that the location data is sent from the device and instead describes sending the information to the device (para. 52).

Paragraph 12 cited by the Examiner as describing selecting a particular promotion as recited in claim 29 describes displaying advertisements to attendees according to their schedules and locations by the system (see Baranowski, para. 12 and Office Action, pg. 10). The time and schedule, as described in paragraph 52, is determined by the system before being sent to the device. Therefore, Baranowski does not disclose receiving the position information from a device and instead only describes sending data to the device.

In response to the above arguments, in the Advisory Action, the Examiner states: "Applicant argues that Baranowski does not teach 'receiving a location parameter from the at least one of the plurality of devices for the schedule meeting'". The Examiner disagrees, citing to paragraph 50, "which teaches other embodiments for determining the location of the portable device such as using GPS" (Advisory Action, page 3). Applicants submit that the cited portion discusses ascertaining the location of the portable device 100, and does not relate to the location for the next event equated with the jointly scheduled meeting. Instead, the next event is created using the webhost 130 and transmitted to the controller 120. "The controller (120) can send the time and location of the next event on each attendee's schedule to the portable device (100) used by the attendee" (Baranowski, para. 51 and 52). As such, the location of the next event, equated with the jointly scheduled meeting, is determined by the webhost 130 and then transmitted to the

portable device. The cited paragraph 150 does not discuss the location of an event, and instead only discusses determining a location of the portable device 100. As such, it is clear that the Examiner's reasons for disagreeing with Applicants' arguments presented in response to the Office Action are in error.

As such, Baranowski fails to describe all of the limitations of claim 29, and therefore claim 29 is not anticipated by the Baranowski references. Accordingly, Applicants respectfully request that the rejection of claim 29 be withdrawn.

Claims 18-22 and 30

The remaining Claims 18-22 and 30 are dependent claims that ultimately depend upon independent Claim 17. Although other significant points of distinction may be found therein, again, for the purposes of this appeal the Appellants are content to rely only upon the points raised above.

(8) Claims Appendix

Provided is a complete listing of all the pending Claims involved with this appeal:

Claim 1: A method comprising:

detecting a device capable of receiving and transmitting an electronic message;

searching for a plurality of promotions stored in a storage module;

receiving a signal from the detected device and detecting a device profile corresponding to the device using information contained in the signal wherein the device profile contains a preference for a product or a service and a geographical boundary; and

selecting a particular promotion from the plurality of promotions based on the preference for the product or the service and the geographical boundary associated with the device profile.

Claim 2: The method according to Claim 1 further comprising detecting the location of the device using the global positioning system.

Claim 3: The method according to Claim 2 wherein the geographical boundary is relative to the current location of the device.

Claim 4: The method according to Claim 1 wherein in the step of selecting a particular promotion, the particular promotion is selected based on the valid hours of availability.

Claim 5: The method according to Claim 1 wherein in the step of searching for a plurality of promotions, each of the plurality of promotions includes an electronic coupon.

Claim 6: Cancelled

Claim 7: The method according to Claim 1 further comprising detecting a promotion profile for each of the plurality of promotions.

Claim 8: The method according to Claim 7 wherein the promotion profile for each of the plurality of promotions includes location information.

Claim 9: The method according to Claim 7 wherein the promotion profile for each of the plurality of promotions includes a description of offerings.

Claim 10: The method according to Claim 7 wherein the promotion profile includes days and time of validity for each of the plurality of promotions.

Claim 11: The method according to Claim 7 wherein selecting the particular promotion is based on the promotion profile for each of the plurality of promotions.

Claim 12: The method according to Claim 1 further comprising displaying the particular promotion on the device.

Claim 13: The method according to Claim 1 wherein the particular promotion displayed on the device includes a location field, a type of product or service field, an hours of availability field and contact information field.

Claim 14: The method according to Claim 1 wherein the device is associated with a particular user and has attributes that include a device attribute, a user identity attribute, a geographic boundary attribute and a product or service attribute.

Claim 15: The method according to Claim 1 wherein the device is associated with multiple users and has attributes that include a device attribute, a plurality of user identity attributes, a geographic boundary attribute and a product or service attribute.

Claim 16: A computer-readable medium having computer executable instructions for performing:

detecting a device capable of receiving and transmitting an electronic message;

searching for a plurality of promotions stored in a storage module;

receiving a signal and detecting a device profile corresponding to the device using information contained in the signal wherein the device profile contains a preference for a product or a service and a geographical boundary; and

selecting a particular promotion from the plurality of promotions based on the preference for the product or the service and the geographical boundary associated with the device profile.

Claim 17: A method comprising:

detecting a plurality of devices capable of receiving and transmitting an electronic message;

detecting a jointly scheduled meeting stored on at least one of the plurality of devices, wherein the scheduled meeting is among participants including at least one participant associated with the at least one of the plurality of devices;

receiving a location parameter from the at least one of the plurality of devices for the scheduled meeting;

searching for a plurality of promotions stored in a storage module; and

selecting a particular promotion from the plurality of promotions based on the location parameter.

Claim 18: The method according to Claim 17 wherein selecting the particular promotion is further based on a time of the scheduled meeting.

Claim 19: The method according to Claim 17 wherein selecting the particular promotion further comprises matching the location parameter with the particular promotion such that the particular promotion is utilized at a location associated with the scheduled meeting.

Claim 20: The method according to Claim 17 wherein selecting the particular promotion further comprises matching the location parameter with the particular promotion such that the particular promotion is utilized at a competing location.

Claim 21: The method according to Claim 17 wherein selecting the particular promotion further comprises matching the location parameter with the particular promotion such that the particular promotion is utilized at a location unrelated to a location associated with the scheduled meeting.

Claim 22: The method according to Claim 17 further comprising detecting a current location for each of the plurality of devices.

Claim 23: A computer-readable medium having computer executable instructions for performing:

detecting a device associated with a user;

storing a device record containing user information associated with the user and a promotion record containing promotion information associated with a promotion;

receiving a signal from the device containing information and retrieving the user profile information using the information; and

selecting a particular promotion based on the user information that includes a preference for a product or a service and a geographical boundary associated with the device, and the promotion information.

Claim 24: The computer-readable medium according to Claim 23 wherein the geographical boundary is relative to the current location of the device.

Claim 25: The computer-readable medium according to Claim 23 wherein the current location of the device is determined using a global positioning system.

Claim 26: The computer-readable medium according to Claim 23 wherein the particular promotion includes an electronic coupon.

Claim 27: The computer-readable medium according to Claim 23 wherein the promotion information includes a time and date validity.

Claim 28: The computer-readable medium according to Claim 23 wherein the promotion information includes location information.

Claim 29: A computer-readable medium having computer executable instructions for performing:

detecting a plurality of devices capable of receiving and transmitting an electronic message;

detecting a jointly scheduled meeting stored on at least one of the plurality of devices, wherein the scheduled meeting is among participants including at least one participant associated with the at least one of the plurality of devices;

receiving a location parameter from the at least one of the plurality of devices for the scheduled meeting;

searching for a plurality of promotions stored in a storage module; and

selecting a particular promotion from the plurality of promotions based on the location parameter.

Claim 30: The method according to Claim 17, wherein the scheduled meeting is schedule using the portable device's calendar function.

(9) Evidence Appendix

None

(10) Related Proceedings Appendix

None

CONCLUSION

Appellants submit that the rejections of the pending Claims 1-5 and 7-30 are in err, and that Claims 1-5 and 7-30 are patentable over the applied combinations of references.

Appellants respectfully request a reversal of the final rejection.

Dated: 5/10/2010

Respectfully submitted,

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